



Law of Property (Miscellaneous Provisions) Act 1989

1989 CHAPTER 34

1 Deeds and their execution.

(1) Any rule of law which—

- (a) restricts the substances on which a deed may be written;
- (b) requires a seal for the valid execution of an instrument as a deed by an individual; or
- (c) requires authority by one person to another to deliver an instrument as a deed on his behalf to be given by deed,

is abolished.

(2) An instrument shall not be a deed unless—

- (a) it makes it clear on its face that it is intended to be a deed by the person making it or, as the case may be, by the parties to it (whether by describing itself as a deed or expressing itself to be executed or signed as a deed or otherwise); and
- (b) it is validly executed as a deed

[^{F1}(i) by that person or a person authorised to execute it in the name or on behalf of that person, or

(ii) by one or more of those parties or a person authorised to execute it in the name or on behalf of one or more of those parties.]

[^{F2}(2A) For the purposes of subsection (2)(a) above, an instrument shall not be taken to make it clear on its face that it is intended to be a deed merely because it is executed under seal.]

(3) An instrument is validly executed as a deed by an individual if, and only if—

- (a) it is signed—
 - (i) by him in the presence of a witness who attests the signature; or
 - (ii) at his direction and in his presence and the presence of two witnesses who each attest the signature; and
- (b) it is delivered as a deed ^{F3}...

Status: Point in time view as at 15/09/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Law of Property (Miscellaneous Provisions) Act 1989, Section 1. (See end of Document for details)

- (4) In subsections (2) and (3) above “sign”, in relation to an instrument, includes
- [^{F4}(a) an individual signing the name of the person or party on whose behalf he executes the instrument; and
 - (b) making one’s mark on the instrument,
- and “signature” is to be construed accordingly.]

[^{F5}(4A) Subsection (3) above applies in the case of an instrument executed by an individual in the name or on behalf of another person whether or not that person is also an individual.]

- (5) Where a solicitor [^{F6}, duly certificated notary public] or licensed conveyancer, or an agent or employee of a solicitor [^{F6}, duly certificated notary public] or licensed conveyancer, in the course of or in connection with a transaction ^{F7}..., purports to deliver an instrument as a deed on behalf of a party to the instrument, it shall be conclusively presumed in favour of a purchaser that he is authorised so to deliver the instrument.

- (6) In subsection (5) above—
- [^{F8}“purchaser” has the same meaning] as in the ^{M1}Law of Property Act 1925;

[^{F9} “duly certificated notary public” has the same meaning as it has in the Solicitors Act 1974 by virtue of section 87 of that Act;]^{F10} ...

^{F10} ...

- (7) Where an instrument under seal that constitutes a deed is required for the purposes of an Act passed before this section comes into force, this section shall have effect as to signing, sealing or delivery of an instrument by an individual in place of any provision of that Act as to signing, sealing or delivery.
- (8) The enactments mentioned in Schedule 1 to this Act (which in consequence of this section require amendments other than those provided by subsection (7) above) shall have effect with the amendments specified in that Schedule.
- (9) Nothing in subsection (1)(b), (2), (3), (7) or (8) above applies in relation to deeds required or authorised to be made under—
- (a) the seal of the county palatine of Lancaster;
 - (b) the seal of the Duchy of Lancaster; or
 - (c) the seal of the Duchy of Cornwall.
- (10) The references in this section to the execution of a deed by an individual do not include execution by a corporation sole and the reference in subsection (7) above to signing, sealing or delivery by an individual does not include signing, sealing or delivery by such a corporation.
- (11) Nothing in this section applies in relation to instruments delivered as deeds before this section comes into force.

Textual Amendments

F1 Words in s. 1(2)(b) substituted (15.9.2005) by [Regulatory Reform \(Execution of Deeds and Documents\) Order 2005 \(S.I. 2005/1906\)](#), arts. 1(1), **7(3)**

F2 S. 1(2A) inserted (15.9.2005) by [Regulatory Reform \(Execution of Deeds and Documents\) Order 2005 \(S.I. 2005/1906\)](#), arts. 1(1), **8**

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- F3** Words in s. 1(3)(b) repealed (15.9.2005) by Regulatory Reform (Execution of Deeds and Documents) Order 2005 (S.I. 2005/1906), art. 1(1), **Sch. 2**
- F4** Words in s. 1(4) substituted (15.9.2005) by Regulatory Reform (Execution of Deeds and Documents) Order 2005 (S.I. 2005/1906), art. 1(1), **Sch. 1 para. 14**
- F5** S. 1(4A) inserted (15.9.2005) by Regulatory Reform (Execution of Deeds and Documents) Order 2005 (S.I. 2005/1906), arts. 1(1), **7(4)**
- F6** Words inserted by Courts and Legal Services Act 1990 (c.41, SIF 37), s. 125(2), **Sch. 17 para. 20(1)**
- F7** Words in s. 1(5) repealed (15.9.2005) by Regulatory Reform (Execution of Deeds and Documents) Order 2005 (S.I. 2005/1906), arts. 1(1), 9, **Sch. 2**
- F8** Words in s. 1(6) substituted (15.9.2005) by Regulatory Reform (Execution of Deeds and Documents) Order 2005 (S.I. 2005/1906), art. 1(1), **Sch. 1 para. 15**
- F9** Words inserted by Courts and Legal Services Act 1990 (c.41, SIF 37), s. 125(2), **Sch. 17 para. 20(2)**
- F10** Words in s. 1(6) repealed (15.9.2005) by Regulatory Reform (Execution of Deeds and Documents) Order 2005 (S.I. 2005/1906), art. 1(1), **Sch. 2**

Marginal Citations

- M1** 1925 c. 20.

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Changes to legislation:

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